



AUG 9 2002

V. Heather Sibbison, Esq.  
Patton Boggs LLP  
2550 M Street, NW  
Washington, DC 20037-1350

Re: Tribal Gaming Ordinance Amendment of Bear River Band of Rohnerville Rancheria:  
Tribal Resolution No. 02-48

Dear Ms. Sibbison:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Tribal Gaming Ordinance Amendment of Bear River Band of Rohnerville Rancheria (Band), Tribal Resolution No. 02-48. The Resolution was adopted by the Band on May 15, 2002, and amended the existing Ordinance No. 95-04, approved February 5, 1996, by changing the definition of lands to include a 60-acre tract acquired after October 17, 1988. Approval of the Amendment depended on whether the land in question was Indian lands and whether it met one of the statutory exceptions to the prohibition against gaming on lands acquired after the Indian Gaming Regulatory Act (IGRA) was enacted. Adopting the analysis in the attached memorandum, I find that the land falls into the exception set forth at 25 U.S.C. §2719(b)(1)(iii), "restoration of lands for an Indian tribe that is restored to Federal recognition." I therefore approve your submission under IGRA.

Thank you for submitting the Amendment for review and approval. The NIGC staff and I look forward to working with you and the Band on future gaming issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Montie R. Deer".

Montie R. Deer  
Chairman

enc.

**BEAR RIVER BAND of ROHNERVILLE RANCHERIA**

32 BEAR RIVER DR. LOLETA, CA 95661 707.733.1900, fax 733.1972



MAY 17 2002

Resolution No: 02-48  
Date Approved: May 15, 2002

**A RESOLUTION BY THE BEAR RIVER BAND OF ROHNERVILLE RANCHERIA  
TRIBAL COUNCIL AMENDING ARTICLE III OF THE TRIBAL ORDINANCE  
AUTHORIZING AND REGULATING GAMING ON TRIBAL LANDS (ORDINANCE NO.  
95-04) TO CLARIFY DEFINITION OF LANDS GOVERNED BY THE ORDINANCE.**

**WHEREAS,** the Bear River Band of Rohnerville Rancheria is a federally recognized Indian Tribe authorized to exercise full governmental responsibilities; and,

**WHEREAS,** the Bear River Band of Rohnerville Rancheria is eligible for all rights and privileges afforded to Federally recognized Indian Tribes; and,

**WHEREAS,** the Bear River Band of Rohnerville Rancheria Tribal Council will follow guidelines as stated in Ordinance No. 95-04 "Ordinance Authorizing And Regulating Gaming On Tribal Lands (heinafter "Tribal Gaming Ordinance No. 95-04"); and,

**WHEREAS,** the Bear River Band of Rohnerville Rancheria Tribal Council wishes to clarify which lands are subject to the requirements of Tribal Gaming Ordinance No. 95-04; and,

**WHEREAS,** the Tribal Council of the Bear River Band of Rohnerville Rancheria desires to amend Article III of the Tribal Gaming Ordinance No. 95-04 to insure that trust lands which lie outside the boundaries of the Tribal Lands are included within the purview of the Tribal Gaming Ordinance No. 95-04.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Council of the Bear River Band of Rohnerville Rancheria amends Tribal Gaming Ordinance No. 95-04, Article III, part m as follows:

1. The entire text of Article III, part m is stricken.
2. Article III, parts n through p are re-lettered accordingly so that respectively they become part m through o.

3. A new part p is added, the text of which reads: "p. Tribal lands" shall mean:

- a. Lands within the limits of the Tribe's exterior boundaries; and,
- b. Lands title to which is either held in trust by the United States for the benefit of the Tribe or individual member of the Tribe or held by the Tribe or individual member of the Tribe subject to restriction by the United States against alienation and over which the Tribe exercises governmental powers; and,
- c. The land taken into trust located in Humboldt County in northern California, in Section 20, T. 3 N., R. 1 W., Humboldt Meridian, more particularly described as: Parcel One: Beginning at the center of Section 20 in Township 3 North of Range 1 West of Humboldt Meridian, and; running thence East 1,320 feet; thence North 363.00 feet; thence West 379.5 feet; thence South 204.6 feet to the Southeast corner of the Parcel of land conveyed by Alvin N. Barber to James F. Worthington by Deed of December 29, 1887, recorded in Book 24 of Deeds, Page 689 in Recorder's Office of Humboldt County; thence West 1,141.8 feet, more or less, to the Southeasterly line of the County Road; thence Southwesterly along said line of the County Road 206.58 feet to the South line of the Northeast quarter of Section 20; and thence East about 330.0 feet to the place of beginning. Parcel Two: The Northwest quarter of the Southeast quarter of Section 20, and all that portion of the Northeast quarter of the Southwest quarter of Section 20 lying Easterly of the County Road in Township 3 North of Range 1 West of Humboldt Meridian.

1) EXCEPTING therefrom a Parcel of land containing 1 acre and another Parcel containing 11 acres conveyed by John Wright to William Seudner by Deed of January 22, 1869, recorded in Recorder's Office of Humboldt County in Book G of Deeds, page 215;

2) AND ALSO EXCEPTING therefrom a Parcel of land containing about 2 acre conveyed by Alvin N. Barber to John S. Wilkes by Deed of September 16, 1890 recorded in said Recorder's Office in Book 35 of Deeds, Page 560;

3) AND ALSO EXCEPTING therefrom a Parcel of land containing about 1/10 of an acre conveyed by Alvin N.

Barber to Isaac H. Van Duzer by Deed of December 15, 1899 recorded in said Recorder's Office in Book 69 of Deeds, page 257.

- 4) EXCEPTING all gas, oil, mineral and other hydrocarbon substances in the lands described as Parcel One and Parcel Two above. As reserved by Louis Paul Barnes, et al by Deed recorded June 14, 1991, as Instrument Number 1991-12804-3.

- d. Lands that may be acquired by the Tribe that meet the requirements of 25 U.S.C. Section 2719 et seq.;

**BE IT FURTHER RESOLVED:** that all references to the term "Reservation" are stricken from Tribal Gaming Ordinance No. 95-04 and replaced with the term "Tribal Lands"; and

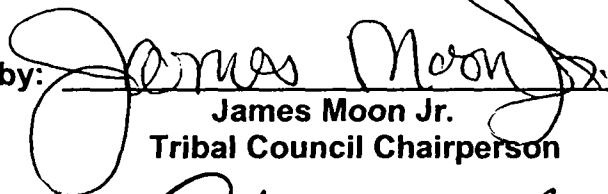
**BE IT FURTHER RESOLVED:** That the Chairperson is hereby authorized to sign and Members of the Council to attest all necessary documents to make such requests; and,

**BE IT FURTHER RESOLVED:** The above signatory powers are in full force and effect until specifically revoked by a duly adopted resolution of the Bear River Band of Rohnerville Rancheria Tribal Council.

### C\*E\*R\*T\*I\*F\*I\*C\*A\*T\*I\*O\*N

This is to certify that the Bear River Band of Rohnerville Rancheria Tribal Council adopted the foregoing Resolution on May 15, 2002 by a vote of 5 IN FAVOR, 0 OPPOSED, 0 ABSTAINING, and 0 ABSENT.

Attested by:

  
James Moon Jr.  
Tribal Council Chairperson

5-15-02  
Date

  
Aileen Meyer  
Tribal Council Secretary

5-15-02  
Date